

## DEPARTMENT OF HEALTH SERVICES

714/744 P STREET  
SACRAMENTO, CA 95814

December 5, 1983



(916) 322-9431

CERTIFIED MAIL NO. 294 777 764  
RETURN RECEIPT REQUESTED

Ernest T. Winter, Director  
BKK Corporation  
2550 237th Street  
P.O. Box 3038  
Torrance, CA 90510

Dear Mr. Winter:

The Department has reviewed your response to our proposal of November 22, 1983. We are willing to discuss some of the changes you have suggested. However, we believe that our present proposals already represent a bare minimum in view of our concerns about the site.

Specifically, it appears that we are essentially in agreement on the general leachate control provisions. We believe the definition is clear, but are willing to review your concerns about it. We are also willing to discuss some changes to the specified time frames for assessment of the extent of the leachate plume and for the installation of remedial actions for the plume, if we have adequate assurance that these activities will be implemented in a timely manner. The proposed penalties may be characterized as "costs" and we will reduce the amount to \$80,000.

Concerning ignitable and reactive wastes, we must insist that all of them be banned immediately, until BKK can demonstrate to the Department's satisfaction that it is in compliance with Part X (6) of its ISD. If BKK is prepared to make this demonstration, I suggest you submit it now and we will begin our review right away. We also believe that the provisions on interim measures for leachate control must remain essentially as we presented them. However, we are willing to discuss your concerns about them and may be able to agree on some clarifications.

Based on comments by EPA, we have amended our liquid ban proposal and I am enclosing a copy of the new language.

Your letter of November 28, 1983, does not mention the remainder of the violations alleged in our September 23, 1983 proposal. While they are not our primary concern at this time, we will need to discuss them further.

The Department would like to conclude a settlement agreement covering these matters as soon as possible. If you agree, please contact me at (916) 322-9431 to arrange a meeting for this purpose. EPA also continues to voice their concerns and review our progress closely.

Yours very truly,

RICHARD H KOPPES  
Deputy Director and  
Chief Counsel

*Marsha Croninger*

Marsha Croninger  
Staff Attorney

Attachment

MC:vl

cc: Charles Vogel  
Peter Weiner  
Gil Jensen

12/5/83

LIQUIDS BAN

Within 60 calendar days after completion of work implementing the Liquid Management Plan BKK shall either (1) demonstrate, to the satisfaction of the Department, in a written addendum report submitted to the Department, that the Liquid Management Plan is fully effective to contain and/or remove all leachate from the facility, or (2) cease to dispose of liquid waste (hazardous and nonhazardous) at the facility until the date on which the Department approves the demonstration as adequate.